



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,406-01

EX PARTE JOSEPH KIRKLAND, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-485-W012385-1724597-A IN THE 485TH DISTRICT COURT
FROM TARRANT COUNTY**

Per curiam.

OPINION

Applicant was convicted of attempted unlawful possession of a firearm by a felon and sentenced to one year in the state jail. He did not appeal. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant was confined in this case in both Tarrant and Rockwall counties for 393 days before sentencing. The judgment awarded 138 days. The trial court finds that it intended to award all of the pretrial credit. With the award, the trial court finds, “Applicant is entitled to discharge his sentence immediately.”

The habeas record supports the trial court's findings. Relief is granted. The sentence imposed in this cause is discharged.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—
Correctional Institutions Division and the Board of Pardons and Paroles.

Filed: February 28, 2024
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